

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**SECURITIES AND EXCHANGE  
COMMISSION,**

**Plaintiff,**

**v.**

**SHREYANS DESAI AND SHREYSIDDH  
CAPITAL, LLC,**

**Defendants.**

Civ. No. 11-5597 (WJM)

**OPINION & ORDER**

This matter comes before the Court on Defendant Shreyans Desai's ("Desai") appeal of Magistrate Judge Mark Falk's scheduling order (Docket No. 109) from February 26, 2015. (Docket No. 114). There was no oral argument. Fed. R. Civ. P. 78(b). For the reasons stated below, the Court will **DENY** the appeal.

Desai's appeal is directed at the Third Circuit, however, any objections to a magistrate judge's order are reviewed by the district judge. *See* Fed R. Civ. P. Rule 59(a). A district court may reverse a magistrate judge's order if it finds the ruling to be clearly erroneous or contrary to law. *See* 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); L. Civ. R. 72.1(c)(1)(A). However, when an appellant "seeks review of a matter within the purview of the Magistrate Judge, such as a discovery dispute, an even more deferential standard, the 'abuse of discretion' standard, must be applied." *Koninklijke Philips Electronics N.V. v. Hunt Control Sys., Inc.*, No. 11-3684, 2014 WL 5798109, at \*2 (D.N.J. Nov. 7, 2014) (quoting *Salamone v. Carter's Retail, Inc.*, No. 09-5856, 2012 WL 821494, at \*4 (D.N.J. March 9, 2012)). Consequently, this Court recognizes the discretion afforded to the magistrate judge in case management matters, including scheduling deadlines. *See Spencer v. Cannon Equip. Co.*, CIV. 07-2437 (JBS), 2009 WL 1883929, at \*4 (D.N.J. June 29, 2009).

Judge Falk originally ordered the Securities and Exchange Commission (the "Government") to file its motion for summary judgment on February 20, 2015. Desai was ordered to file his response by March 13, 2015, and reply papers would be filed by the Government by March 27, 2015. (Docket No. 101). Due to a

network outage, the Government filed its brief a day late and requested an extension of the deadlines, allowing Desai to submit his opposition papers by March 20, 2015, and the Government to file its reply by April 3, 2015. (Docket No. 107). Judge Falk granted this request in his order dated February 26, 2015. (Docket No. 109).

Desai's only argument relevant to the Order underlying his appeal is that the Government's motion for summary judgment was time-barred, as it did not file its papers within 30 days after the conclusion of discovery. (Shreyans H. Desai's Affidavit in Support of Appeal, ECF No. 114-1, ¶ 2-4.) Rule 56(b) provides that: "[u]nless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery." Fed. R. Civ. P. 56. Here, the deadline to file the motion for summary judgment was set by court order in both cases. (*See* Docket Nos. 101, 109). Consequently, this Court rejects Desai's appeal as to the timeliness of the Government's summary judgment motion.

Thus, for the above reasons and for good cause shown;

**IT IS** on this 5th day of November 2015, hereby,

**ORDERED** that Defendant's appeal is **DENIED**; and it is further

**ORDERED** that Judge Falk's February 26, 2015 Order is **AFFIRMED**.

/s/ William J. Martini  

---

**WILLIAM J. MARTINI, U.S.D.J.**